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OFFICE OF PETITIONS

**PORTER WRIGHT MORRIS & ARTHUR, LLP
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COLUMBUS OH 43215**

In re Application of	:	
Daniel J. Turk et al	:	
Application No. 10/616,140	:	DECISION ON PETITION
Filed: July 9, 2003	:	
Attorney Docket No. 3994994-14415	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 21, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final rejection mailed May 28, 2008, is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$1,110 extension of time fee submitted with the petition on September was subsequent to the maximum extendable period for reply, this fee is unnecessary. Petitioner may request a refund of the extension fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany the request.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2123 for appropriate action by the Examiner in the normal course of business on the reply received September 21, 2009.

/KOC/

Karen Creasy
Petitions Examiner
Office of Petitions